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09/657,685	09/08/2000	Tony Krstanovski	040020-153	2668

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EXAMINER

HAN, CLEMENCE S

ART UNIT PAPER NUMBER

2665

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/657,685

Applicant(s)

KRSTANOVSKI ET AL.

Examiner

Clemence Han

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: Examiner understands that “the second node” in line 7 of the claim 1 should be “the third node” and has treated the claim 1 under such assumption in the following rejection of claim 1. According to the line 3-4 of the claim 1, the control functions are implemented in the third node which is the 3G-GSN server from the specification. Appropriate correction is required.
2. Claim 6 is objected to because of the following informalities: Examiner understands that “the third node” in line 7 of the claim 6 should be “the second node” and has treated the claim 1 under such assumption in the following rejection of claim 6. According to the line 3-4 of the claim 6, the control functions are implemented in the second node which is the 3G-GSN server from the specification. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1, 6 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Darland et al. (U.S. Patent 5,793,771).

In regarding to claim 1, Darland teaches a method for enabling communication between a first network in which control functions and user functions are combined (Column 2 Line 24) in a first node and a second network in which user functions and control functions are separately implemented (Column 2 Line 51 – 57) in second and third nodes, respectively, the method comprising the steps of: determining whether received data contains control data; and if the received data contains control data, extracting control data from the received data and forwarding the control data to the third node for resource handling (Column 3 Line 14 – 24).

In regarding to claim 6, Darland teaches an apparatus for enabling communication between a first network in which control functions and user functions are combined (Column 2 Line 24) in a first node and a second network in

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which user functions and control functions are separately implemented (Column 2 Line 51 – 57) in second and third nodes, respectively, the apparatus comprising: a detector for detecting whether received data contains control data; a protocol device for extracting control data from the received data and forwarding the control data to the second node for resource handling, if the detector determines that the received data contains control data (Column 3 Line 14 – 24).

In regarding to claim 11, Darland teaches a system for enabling communication between a first network in which control functions and user functions are combined (Column 2 Line 24) in the same node and another network in which user functions and control function are implemented in separate nodes (Column 2 Line 51 – 57), the system comprising: a first node in the first network, wherein user functions and control functions are handled in the first node; a second node in the second network wherein user functions are handled in the second node; a third node in the second network wherein control functions are handled in the third node; and a device for determining whether received data contains control data, and, if received data contains control data, extracting control data from the received data and forwarding the control data to the third node (Column 3 Line 14 – 24).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2, 3, 7, 8, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darland et al. in view of Lehtimaki et al. (U.S. Pub. 2002/0085512).

In regarding to claim 2, Darland teaches the steps of extracting control data when the received data contains control data (Column 3 Line 14 – 24). Darland, however, does not explicitly teach about the case when the received data does not contain control data. Lehtimaki teaches the steps of the second node processing non-control data and forwarding to the first node (Figure 3). It would have been obvious to one skilled in the art to modify Darland to pass the non-control data as taught by Lehtimaki in order to save the network resources.

In regarding to claim 3, Lehtimaki teaches the steps of extracting and forwarding are performed in the second node ([0039]).

In regarding to claim 7, Darland teaches the steps of extracting control data when the received data contains control data (Column 3 Line 14 – 24). Darland,

however, does not explicitly teach about the case when the received data does not contain control data. Lehtimaki teaches the steps of the third node processing non-control data and forwarding to the first node (Figure 3). It would have been obvious to one skilled in the art to modify Darland to pass the non-control data as taught by Lehtimaki in order to save the network resources.

In regarding to claim 8, Lehtimaki teaches the steps of extracting and forwarding are performed in the third node ([0039]).

In regarding to claim 12, Lehtimaki teaches the steps of the third node first forwards the control data to the second node, which converts the control data to GTP and forwards the GTP control data to the first node ([0038], Figure 3).

In regarding to claim 13, Lehtimaki teaches the steps of extracting and forwarding are performed in the second node ([0039]).

7. Claim 4, 5, 9, 10, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darland et al. in view of Palat et al. (EP 1079655A1).

In regarding to claim 4, Darland teaches the method of separating the control function and the user function (Column 2 Line 51 – 57). Darland, however, does not teach the specifics about the involved networks. Palat teaches that the first network is a second generation packet data network 208, and the second network is

a third generation packet data network 210. It would have been obvious to one skilled in the art to adapt Darland to the second and the third generation packet data network as taught by Palat in order to utilize existing network in the process of generation turnover.

In regarding to claim 5, Palat teaches that the first network is a second generation Global Packet Radio Service (GPRS) network 204, and the second network is a third generation Universal Mobile Telecommunication System (UMTS) network 206.

In regarding to claim 9, Darland teaches the method of separating the control function and the user function (Column 2 Line 51 – 57). Darland, however, does not teach the specifics about the involved networks. Palat teaches that the first network is a second generation packet data network 208, and the second network is a third generation packet data network 210. It would have been obvious to one skilled in the art to adapt Darland to the second and the third generation packet data network as taught by Palat in order to utilize existing network in the process of generation turnover.

In regarding to claim 10, Palat teaches that the first network is a second generation Global Packet Radio Service (GPRS) network 204, and the second



network is a third generation Universal Mobile Telecommunication System (UMTS) network 206.

In regarding to claim 14, Darland teaches the method of separating the control function and the user function (Column 2 Line 51 – 57). Darland, however, does not teach the specifics about the involved networks. Palat teaches that the first network is a second generation packet data network 208, and the second network is a third generation packet data network 210. It would have been obvious to one skilled in the art to adapt Darland to the second and the third generation packet data network as taught by Palat in order to utilize existing network in the process of generation turnover.

In regarding to claim 15, Palat teaches that the first network is a second generation Global Packet Radio Service (GPRS) network 204, and the second network is a third generation Universal Mobile Telecommunication System (UMTS) network 206.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to the communication network.

U.S. Patent 5,579,316 to Venters et al.

U.S. Patent 5,978,386 to Hamalainen et al.

U.S. Patent 6,233,458 to Haumont et al.

U.S. Patent 6,377,804 to Lintulampi

U.S. Patent 6,542,516 to Vialen et al.

U.S. Patent 6,584,098 to Dutnall

U.S. Patent 6,594,486 to Rasanen

U.S. Patent 6,658,011 to Sevanto et al.

U.S. Pub. 2002/0086667 to Suvanen

U.S. Pub. 2002/0155825 to Haumont et al.

EP 1079643A1 to Casati

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (703) 305-0372. The examiner can normally be reached on Monday-Friday 8 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

C. H.  
Clemence Han  
Examiner  
Art Unit 2665



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